

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA : CASE NO. 1:00 CR 00341-012

Plaintiff :

ORDER

-VS-

DEMOND SMITH

Defendant :

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case came before the Court on 3 October 2006 for a supervised release violation hearing. The defendant, Demond Smith, was present and represented by attorney Jacqueline Johnson. Edward Feran, Assistant U.S. Attorney, was present for the government. Nora Riley also attended for the probation office.

Mr. Smith's term of supervised release began on 6 July 2004. On 11 September 2006, Ms. Riley filed an emergency warrant request on Mr. Smith for new criminal charges involving trafficking, drug possession and tampering with evidence as well as weapons charges. Mr. Smith was arrested on 12 September 2006, and on that date Ms. Riley, filed a superseding violation report alleging the following violations:

1. New Law Violation – Mr. Smith was arrested on 24 April 2006 and charged with trafficking offenses, drug possession and tampering with evidence. He was indicted on 17 August 2006 in Cuyahoga County Common Pleas Court, docket no. CR-06-485117-B.

2. Failure to Report an Arrest – Mr. Smith failed to report his 24 April 2006 arrest and subsequent Indictment.
3. Law Violation – On 11 September 2006, the offender possessed a loaded Jennings .22 caliber pistol, model J-22, serial number 666561. In this instance, Mr. Smith faces a federal Indictment in case no. 1:06 CR 00464 charging him with one count of felon in possession of a firearm in violation of 18 U.S.C. § 922(g).

At the Supervised Release Hearing before the Court, Mr. Smith admitted to committing violations one and two above. On the advice of counsel, Mr. Smith denied committing violation number three, which has resulted in a federal Indictment. Accordingly, on the strength of his admissions to the first two violations reported, the Court finds that Mr. Smith is in violation of the terms and conditions of his supervised release. Pursuant to the Sentencing Guidelines, the applicable range of imprisonment for Mr. Smith is 24 to 30 months given the grade A violation and his criminal history category of IV. U.S.S.G § 7B1.4(a).

This Court has considered the government's position along with the reasoned statements of Mr. Smith and his counsel and determines the following: Mr. Smith's supervised release is revoked and he will serve a twenty-four month sentence of incarceration to begin immediately. At the completion of that twenty-four month term, Mr. Smith's supervised release will be terminated.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Dated: 11 October 2006